

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

TIMOTHY F. CHENAULT,

Plaintiff,

Civil No. 05-3045-CO

v.

FINDINGS AND
RECOMMENDATION

BUREAU of POLICE,
et al.,

Defendants.

COONEY, Magistrate Judge.

Plaintiff filed a complaint under 42 U.S.C. § 1983, but did not pay the requisite filing fee or file an application to proceed in forma pauperis.

By Order (#2) entered June 9, 2005, plaintiff was allowed 30 days from the date of this order to either pay the \$250 filing fee or to file an application to proceed in forma pauperis.

Plaintiff was advised that failure to do one of the above will result in the dismissal of this case for failure to

prosecute. The Clerk of the Court was directed to send plaintiff the appropriate form.

Plaintiff has not paid the filing fee or filed an application to proceed in forma pauperis as directed by the court. This action should be dismissed for failure to prosecute.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Rule 4(a)(1), Federal Rules of Appellate Procedure, should not be filed until entry of the district court's judgment or appealable order. The parties shall have ten (10) days from the date of service of a copy of this recommendation within which to file specific written objections with the court. Thereafter, the parties have ten (10) days within which to file a response to the objections. Failure to timely file objections to any factual determinations of the Magistrate Judge will be considered a waiver of a party's right to de novo consideration of the factual issues and will constitute a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation.

DATED this 1 day of September, 2005.

s/
John P. Cooney
United States Magistrate Judge